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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,733	08/30/2000	Alejandro M. Pilato	11725-46001	2432

34060   7590   01/13/2006

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EXAMINER
BORLINGHAUS, JASON M

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/650,733	PILATO, ALEJANDRO M.
		Examiner	Art Unit
		Jason M. Borlinghaus	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 October 2005</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-139</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-139</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>30 August 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>7/25/05</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

Claim 52 is objected to because of the following informalities: improper abbreviation. Claim 52 contains the phrase "repo funding." However, claim language should not contain abbreviations or short-hand. Therefore, examiner suggests applicant change claim language to "repossession funding".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 100 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 100 claims "wherein the financial information includes _any_ information relevant to the financial function." The term "any" is too broad and indefinite in scope, as anything could be considered relevant depending upon one's perspective.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 - 139 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McMenamin (McMenamin, Jim. *Financial Management: An Introduction. Routledge*.

New York, NY. 1999. pp. 15 – 17 and 20 – 21) in view of Heath (Heath, Robert L.

Strategic Issues Management: Organizations and Public Policy Challenges. Sage

Publications. Thousand Oaks, CA. 1997. pp. 86 – 87), Disclosed Prior Art (applicant's

specification, pp. 1 – 2) and Stein (US Patent 5,684,952).

Regarding Claim 1, McMenamin discloses a method for providing financial functions

(financial management) comprising the activities of (see figure 1.2, p. 15):

- relating to a financial function (financial management). (see figure 1.2, p.

  15):

- receiving financial information (financial information). (see figure 1.2, p.

  15);

- creating risk management information (financial analysis) relating to the

  financial information (financial information). (see figure 1.2, p. 15);

- analyzing the risk management information (financial analysis) in the context of the financial information (financial information). (see figure 1.2, p. 15); and

- determining an action (financial decisions) based on the analysis (financial analysis). (see p. 15).

McMenamin does not teach <u>a computer-assisted</u> method for providing financial functions by <u>an agent for each of a plurality of institutional or corporate clients</u>, comprising the activities of: relating to a financial function of each client:

- relating to a financial function <u>of each client:</u>

- <u>demonstrating that more than one activity of the agent is transparent to the client;</u>

- receiving financial information <u>at a computer of the agent;</u>

- creating risk management information relating to the financial information;

- analyzing the risk management information in the context of the financial information;

- determining an action based on the analysis;

- <u>facilitating implementation of the action on behalf of the client; and</u>

- <u>communicating with the client through a network one or more activities of the agent.</u>

McMenamin does not teach that the providing financial functions comprising said steps is automated. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automated the method, since it has been

held that broadly providing a mechanical or automatic means to replace manual activity that accomplishes the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

While McMenamin does not explicitly state the implementation of said decision, however, it is old and well-known in the art that implementation of said decision is a fundamental and basic component, in fact the end result, of the entire decision-making process, as evidenced by Heath which states a strategic issues management model developed by "Hainsworth and Meng (1988) use to feature scanning-monitoring, identification-prioritization, analysis, (strategy) decision, implementation, and evaluation." (see p. 86). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenamin by incorporating an implementation stage, as disclosed by Heath, allowing for actual implementation of the strategic decision formulated in said financial function.

Principal-agent relationships and the outsourcing of functions and/or activities to said agents is old and well known in the arts of business and strategic planning, and principal-agent relationships, as evidenced by Disclosed Prior Art which states "In the financial sector typical functions being outsourced tend to be restricted to back-office functions such as settlements, clearing, safe custody, etc. More recently, however, all firms have begun to outsource functions that were previously considered too close to either the strategic management of the core business or to the identity of the firm for outsourcing." (see p. 2, lines 4 – 9). It would have been obvious one of ordinary skill in the art at the time of the invention to have modified McMenamin and Heath to

incorporate the ability to allow for the financial function process to be outsourced and/or, otherwise, to be performed by an agent, to capture the financial and/or flexibility benefits of outsourcing such functions.

Utilizing a computer network in such a manner that an activity performed by one computer user is transparent to another user, and allowing for communication between said users through the network is old and well known in the art of computer network design and information technology systems, as evidenced by Stein which states a "system for enabling an administrator to monitor and control individual workstations within a network" (see col. 1, lines 12 – 14) and "...digital data include digitized audio information, which permit the students and the teacher to communicate with one another, as well as screen data which enables the information presented on the screen of one workstation to be displayed on the monitors of other workstations." (see col. 4, lines 43 – 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified McMenamin, Heath and Disclosed Prior Art by incorporating a computer system, as disclosed by Stein, allowing the client to supervise the functioning of the agent and allow for communication between the two parties.

Regarding Claim 2, McMenamin discloses a method wherein:

- the financial information is received. (see figure 1.2, p. 15).

McMenamin does not teach a method wherein:

- the financial information is received through a network.

Stein discloses a method wherein:

- the information is received through a network (Ethernet network). (see col. 4, lines 39 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenamin, Heath, Disclosed Prior Art and Stein by incorporating the ability to receive financial information, as disclosed by McMenamin, via a network, as disclosed by Stein, allowing for fast and efficient communication to the computer's utilized by the agents.

Regarding Claims 3 – 5, McMenanin discloses a method wherein said activity of facilitating the action includes:

- recommending (presenting) an action (strategic decisions). (see p. 15).

McMenamin does not teach a method wherein said activity of facilitating the action includes:

- <u>implementing the action on behalf of the client;</u>

- <u>instructing the client to implement the action; and</u>

- recommending <u>that the client implement</u> the action.

While McMenamin does not explicitly state the implementation of said decision, however, it is old and well-known in the art that implementation of said decision is a fundamental and basic component, in fact the end result, of the entire decision-making process, as evidenced by Heath (see p. 86). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenamin, Heath, Disclosed Prior Art and Stein by incorporating an implementation

stage, as disclosed by Heath, allowing for actual implementation of the strategic

decision formulated in said financial function.

Principal-agent relationships and the outsourcing of functions and/or activities to

said agents is old and well known in the arts of business and strategic planning, and

principal-agent relationships, as evidenced by Disclosed Prior Art (see p. 2, lines 4 – 9).

It would have been obvious one of ordinary skill in the art at the time of the invention to

have modified McMenamin, Heath, Disclosed Prior Art and Stein to incorporate the

ability to allow for the implementation of action to be carried out by the agent on behalf

on the client, or to inform the client of the agent's findings, allowing the client to carry

out implementation themselves.

Regarding Claims 6 – 8, McMenanin does not teach a method further

comprising:

- notifying the client that an action will be implemented by the agent;

- notifying the client of the action implemented by the agent; and

- receiving notification from the client of an action implemented by the client.

Stein discloses a method further comprising:

- notifying (communicating with the) the client (teacher) by the agent

  (students). (see col. 4, lines 39 – 48); and

- receiving notification (communication) from the client (teacher). (see col.

  6, lines 27 – 36).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified McMenamin, Heath, Disclosed Prior Art and Stein

by incorporating an ability for said parties, such as the client and agent, to communicate

through the system, as disclosed by Stein, to allowing for said parties to be fully

informed and in continuous communication about their activities.

Communication between a principal and an agent in a principal-agent

relationship, concerning the activities or the planned activities of said parties having an

impact on their relationship, is old and well in the arts of business and strategic

planning, and principal-agent relationships. It would have been obvious one of ordinary

skill in the art at the time of the invention to have modified McMenamin, Heath,

Disclosed Prior Art and Stein to incorporate the ability for the agent to notify the client

concerning the planned implementation and/or completed implementation of an action

taken by the agent, on the client's behalf, and for the client to notify the agent

concerning the planned implementation and/or completed implementation of an action

taken by the client, allowing for said parties to be fully informed concerning

implementation of actions which may have an impact upon their relationship.

Regarding Claims 9 – 12, McMenamin discloses a method wherein the action

includes providing:

- a notification (findings). (see p. 15);

- a report (findings). (see p. 15);

- an analysis (findings). (see p. 15); and

- information (findings). (see p. 15).

Regarding Claims 13 – 20, neither McMenanim, Heath nor Disclosed Prior Art

teach a method wherein the activity of communicating includes:

- <u>enabling the client to access information regarding one or more activities of the agent;</u>

- <u>enabling the client to access information across a network regarding one or more activities of the agent;</u>

- <u>allowing the client to monitor across a network one or more activities of the agent;</u>

- <u>allowing the client to monitor in real-time across a network one or more activities of the agent;</u>

- <u>allowing the client to monitor in near-real-time across a network one or more activities of the agent;</u>

- <u>reporting to the client across a network one or more activities of the agent;</u>

- <u>reporting to the client in real-time across a network one or more activities of the agent; and</u>

- <u>reporting to the client in near-real-time across a network one or more activities of the agent.</u>

Stein discloses a method wherein the activity of communicating includes:

- enabling the client (teacher) to access (observe) information regarding one or more activities (project/task) of the agent (student). (see col. 5, line 65 – col. 6, line 10);

- enabling the client (teacher) to access (observe) information across a network (Ethernet network) regarding one or more activities (project/task)

of the agent (student). (see col. 4, lines 39 – 48 and col. 5, line 65 – col. 6, line 10);

- allowing the client to monitor across a network one or more activities of the agent. (see col. 4, lines 39 – 48 and col. 5, line 65 – col. 6, line 10);

- allowing the client to monitor in real-time across a network one or more activities of the agent. (see col. 4, lines 39 – 48 and col. 5, line 65 – col. 6, line 10);

- allowing the client to monitor in near-real-time across a network one or more activities of the agent. (see col. 4, lines 39 – 48 and col. 5, line 65 – col. 6, line 10);

- reporting to the client (via observation by client) across a network one or more activities of the agent. (see col. 4, lines 39 – 48 and col. 5, line 65 – col. 6, line 10);

- reporting to the client in real-time across a network one or more activities of the agent. (see col. 4, lines 39 – 48 and col. 5, line 65 – col. 6, line 10); and

- reporting to the client in near-real-time across a network one or more activities of the agent. (see col. 4, lines 39 – 48 and col. 5, line 65 – col. 6, line 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenanim, Heath, Disclosed Prior Art and Stein

by incorporating the ability to allow the client to monitor activities of their agents, as

disclosed Stein, to allow for supervisory control and monitoring of agents.

Regarding Claims 21 – 23, McMenanim discloses a method further comprising

reporting one or more:

- effects (costs, benefits and risks) of the action (strategic options) on the

  risk management information (financial analysis/financial review). (see pp.

  15 – 16);

- effects of an alternative action (strategic options – establishing multiple

  possible options/actions) on the risk management information (financial

  analysis/financial review). (see pp. 15 – 16); and

- reasons (financial analysis/financial review/findings) behind an action

  (strategic options). (see pp. 15 – 16).

McMenanim does not teach a method further comprising reporting one or more:

- effects of the agent's action on the risk management information;

- effects of an alternative action to the agent's action on the risk

  management information; and

- reasons behind an action determined by the agent.

Principal-agent relationships and the outsourcing of functions and/or activities to

said agents is old and well known in the arts of business and strategic planning, and

principal-agent relationships, as evidenced by Disclosed Prior Art (see p. 2, lines 4 – 9).

It would have been obvious one of ordinary skill in the art at the time of the invention to

have modified McMenamin, Heath, Disclosed Prior Art and Stein to incorporate the

ability to allow for the examination of the effect of and/or reasons for an action caused

by an agent, as disclosed by Disclosed Prior Art, to capture the financial and/or flexibility

benefits of outsourcing such functions.

Regarding Claims 24 – 26, neither McMenanin, Heath, Disclosed Prior Art nor

Stein teach a method wherein said activity of communicating includes:

- providing an audit log of one or more historical activities of the agent on
  behalf of the client;

- informing the client of results of reviews of one or more of historical
  activities of the agent.

- seeking feedback from the client on reviews of one or more of historical
  activities of the agent.

Obtaining historical information concerning an employee, agent and/or

consultant, presenting said information to a client and/or employer for examination, and

obtaining feedback from said client and/or employer about said employee, agent and/or

consultant is old and well known in the art of human resources management and

strategic planning, such as providing a potential employer with a resume for

assessment or having an client update a performance review based upon their agent's

activities. It would be obvious to one of ordinary skill in the art at the time the invention

was made to have modified McMenanin, Heath, Disclosed Prior Art and Stein by

incorporating the ability to provide historical information to the client for review, allowing

the client to gauge the reliability and/or effectiveness of said agent, and collecting

feedback from said client concerning said agent, allowing the historical information to be updated and/or complete.

Regarding Claim 27, neither McMenanin, Heath, Disclosed Prior Art nor Stein teach a method wherein:

- the agent is conflict-free.

The benefits of a conflict-free agent operating in a principal-agent relationship is old and well known in the art of human resource management and principal-agent relationships. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenanin, Heath, Disclosed Prior Art and Stein by incorporating an agent that is conflict-free, allowing the client to capture the benefits inherent in having a conflict-free agent, as is old and well known.

Regarding Claim 28, neither McMenanin, Heath, Disclosed Prior Art nor Stein teach a method:

- further comprising the agent receiving authority to implement the action on behalf of the client.

Establishing the scope and/or authority of an agent in a principal-agent relationship is old and well known in the art of principal-agent relationships and agency law. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenanin, Heath, Disclosed Prior Art and Stein to allow and/or contract for any scope of agency authority that the inventor desired.

Regarding Claims 29 - 30, neither McMenanin, Heath, Disclosed Prior Art nor Stein teach a method:

- further comprising the client agreeing to implement actions recommended
  by the agent; and

- further comprising the client agreeing to implement actions instructed by
  the agent.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified McMenanin, Heath, Disclosed Prior Art and Stein

to allow and/or contract for any response to the agents' recommendations/instructions

that the inventor desired, such as agreement with or disregarding of agents'

recommendations/instructions.

Regarding Claims 31 – 32 and 34 - 37, neither McMenanin, Heath, Disclosed

Prior Art nor Stein teach a method:

- wherein facilitating the implementation of the action results in the
  negotiation of the terms of a trade;

- wherein the determination of the action includes an identification of a best
  rate or price at which the trade can be executed;

- wherein the implementation of the action results in execution of a trade;

- wherein the implementation of the action results in execution of a trade
  with a third party;

- wherein the implementation of the action results in execution of a trade by
  the agent; and

- wherein the implementation of the action results in execution of a trade by
  the client.

Said actions are old and well known in the art of business transactions and financial management. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenanin, Heath, Disclosed Prior Art and Stein to allow and/or contract for the agent to implement and/or determine any action that the inventor desired, such executing trades, conducting sales or manufacturing widgets.

Regarding Claims 33 and 38, neither McMenanin, Heath, Disclosed Prior Art nor Stein teach a method:

- wherein said activity of determining the action is performed automatically; and

- wherein the action is implemented automatically.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automated the method, since it has been held that broadly providing a mechanical or automatic means to replace manual activity that accomplishes the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding Claims 39 – 46, McMenamin discloses a method wherein the financial information includes:

- any information. ("Any additional information that may be needed to complete the review will also be sought." – see p. 15).

Neither McMenamin, Heath, Disclosed Prior Art nor Stein teach a method wherein the financial information includes:

- ■ financial guidelines.

- ■ one or more benchmarks.

- ■ action guidelines.

- ■ market risk limits.

- ■ credit risk limits.

- ■ Liquidity guidelines.

- ■ Maturity guidelines.

- ■ credit guidelines.

Said financial information sources are old and well known in the art of financial analysis and strategic planning. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenamin, Heath, Disclosed Prior Art and Stein by incorporating said financial information, as is old and well known, to provide "any additional information that may be needed to complete the review" (see p. 15), as disclosed by McMenamin.

Regarding Claims 47 – 55 and 66 – 95, neither McMenamin, Heath, Disclosed Prior Art nor Stein teach a method wherein the financial function includes:

- ■ short-term funding and cash management;

- ■ cashflow management;

- ■ liquidity management;

- ■ cash management;

- ■ investment management;

- ■ repo funding;

- debt management;

- debt issuance;

- asset and liability management;

- treasury management;

- credit management;

- credit spread trading;

- loan portfolio management;

- equity portfolio management;

- fixed income portfolio management;

- funding;

- collateral management;

- lending of securities;

- borrowing of securities;

- counterparty credit exposure nnanagennent;

- financial risk management;

- market risk management;

- credit risk management;

- commodity price risk management;

- liquidity risk management;

- operational risk management;

- management of insurable risks;

- electricity price risk management;

- pension fund management;

- real estate management;

- hedging;

- dynamic hedging;

- mortgage pre-payment risk management;

- front-office activities;

- middle-office activities;

- back-office activities;

- front-office and middle-office activities;

- middle-oftice and back-office activities; and

- front-office, middle-office and back-office activities.

Said financial functions, either as a manual function, utilizing pen and paper , a

mental function, performing mental computations within the head of a person, or as a

computerized function, are old and well known in the arts of financial management and

accounting management. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to have modified McMenamin, Heath, Disclosed Prior

Art and Stein by incorporating said financial functions, as are old and well known, into

the financial management process, as disclosed by McMenamin, allowing the

application of standard computations and financial processing into the financial

management process.

Regarding Claims 56 – 65, neither McMenamin, Heath, Disclosed Prior Art nor

Stein teach a method wherein the financial function includes asset and liability

management and wherein:

- the assets include insurance premiums;

- the liabilities include insurance claims;

- the assets include life insurance premia;

- the liabilities include life insurance claims;

- the liabilities include pension claims;

- the liabilities include legal claims;

- the assets include leases;

- the liabilities include leases;

- the assets include operational cashflows; and

- the liabilities include operational cashflows.

Said assets and liabilities, and their use in asset and liability management, are

old and well known in the arts of financial management and accounting management. It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to have modified McMenamin, Heath, Disclosed Prior Art and Stein by

incorporating said assets and liabilities, as are old and well known, into the asset and

liability management process, allowing for accurate and precise computations and,

therefore, accurate and precise asset and liabilities management decisions.

Regarding Claims 96 – 101, neither McMenamin, Heath, Disclosed Prior Art nor

Stein discloses a method wherein the financial information includes:

- detailed information on financial instruments relevant to a financial function;

- historical market data relevant to the financial function;

- current market data relevant to the financial function;

- economic information relevant to the financial function;

- any information relevant to the financial function; and

- strategic financial objectives.

Said financial information, and their use in a financial function and/or financial decision making process, is old and well known in the arts of financial management and accounting management. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenamin, Heath, Disclosed Prior Art and Stein by incorporating said financial information, as are old and well known, as incoming information in the financial management process, as disclosed by McMenamin, allowing for accurate and precise computations and, therefore, accurate and precise asset and liabilities management decisions.

Regarding Claims 102 - 111, neither McMenamin, Heath, Disclosed Prior Art nor Stein discloses a method wherein the client includes:

- departments of the client;

- subsidiaries of the client;

- affiliates of the client;

- clients of the client;

- regulators of the client;

- auditors of the client;

- agents of the client;

- advisors of the client;

- counterparties of the client; and

- shareholders of the client.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenamin, Heath, Disclosed Prior Art and Stein to allow for any client that the inventor desired.

Regarding Claim 112, further computer medium claim would have been obvious from method claim rejected above, Claim 1, and is therefore rejected using the same art and rationale.

Regarding Claim 113, further apparatus claim would have been obvious from method claim rejected above, Claim 1, and is therefore rejected using the same art and rationale.

Regarding Claim 114, Claim 114 recites similar limitations to Claim 1 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 1.

Regarding Claims 115 – 116, McMenamin discloses a method further comprising:

- receiving risk management information (financial analysis). (see figure 1.2, p. 15); and

- receiving the analysis (financial analysis). (see figure 1.2, p. 15).

McMenamin does not teach a method further comprising:

- receiving risk management information <u>generated by an agent at the</u>

   <u>client</u>; and

- receiving <u>the agent's</u> analysis <u>at the client.</u>

Principal-agent relationships and the outsourcing of functions and/or activities to

said agents is old and well known in the arts of business and strategic planning, and

principal-agent relationships, as evidenced by Disclosed Prior Art. (see p. 2, lines 4 – 9).

Furthermore, communication and/or delivery of agent output to the principal are old and

well known in the arts of business and strategic planning, and principal-agent

relationships. It would have been obvious one of ordinary skill in the art at the time of

the invention to have modified McMenamin, Heath, Disclosed Prior Art and Stein by

incorporating the ability to allow for the communication and/or delivery of information

generated by the agent to the client, to allow the principal to have the end results and/or

output of agents' activities.

Regarding Claims 117 - 120, Claims 117 – 120 recite similar limitations to

Claims 5 – 7 and are therefore rejected using the same art and rationale as applied in

the rejection of Claims 5 – 7.

Regarding Claims 121 - 123, Claims 121 – 123 recite similar limitations to

Claims 13 – 20 and are therefore rejected using the same art and rationale as applied in

the rejection of Claims 13 – 20.

Regarding Claims 124 - 126, Claims 124 - 126 recite similar limitations to

Claims 21 - 23 and are therefore rejected using the same art and rationale as applied in

the rejection of Claims 21 – 23.

Regarding Claims 127 - 128, Claims 127 - 128 recite similar limitations to

Claims 24 - 26 and are therefore rejected using the same art and rationale as applied in

the rejection of Claims 24 – 26.

Regarding Claim 129, Claim 129 recites similar limitations to Claim 1 and is

therefore rejected using the same art and rationale as applied in the rejection of Claim

1.

Regarding Claim 130, Claim 130 recites similar limitations to Claims 1 and 25,

in combination, and is therefore rejected using the same art and rationale as applied in

the rejection of Claims 1 and 25, in combination. Claim 130 differs from Claim 1 and 25,

in that Claim 130 makes Claim 1 conditional upon Claim 25. However, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

have modified McMenanin, Heath, Disclosed Prior Art and Stein to allow condition

and/or reasoning for the provision of "new financial information" as under Claim 1 that

the inventor desired.

Regarding Claims 131 - 132, neither McMenanin, Heath, Disclosed Prior Art nor

Stein teach a method:

- <u>further comprising removing the agent's authority to undertake any action</u>

    <u>on behalf of the client; and</u>

- further comprising removing the authority of the agent in connection with one or more actions.

Establishing the scope and/or authority of an agent in a principal-agent relationship is old and well known in the art of principal-agent relationships and agency law. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenanin, Heath, Disclosed Prior Art and Stein to allow and/or contract for any scope of agency authority that the inventor desired.

Regarding Claims 133 - 134, neither McMenanin, Heath, Disclosed Prior Art nor Stein teach a method:

- further comprising requesting the agent to halt one or more actions; and

- requesting, through a network, the agent to halt one or more actions.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenanin, Heath, Disclosed Prior Art and Stein to allow and/or contract for any response to the agents' recommendations/instructions that the inventor desired, such as agreement with or disregarding of agents' recommendations/instructions.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McMenanin, Heath, Disclosed Prior Art and Stein by incorporating the ability to transmit said information via the network, as disclosed by Stein, to allow for fast and efficient communication of said information.

Regarding Claim 135, Claim 135 recites similar limitations to Claim 2 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 2.

Regarding Claim 136, further computer medium claim would have been obvious from method claim rejected above, Claim 1, and is therefore rejected using the same art and rationale.

Regarding Claim 137, further appartus claim would have been obvious from method claim rejected above, Claim 1, and is therefore rejected using the same art and rationale.

Regarding Claim 138, further computer medium claim would have been obvious from method claim rejected above, Claim 1, and is therefore rejected using the same art and rationale.

Regarding Claim 139, further computer medium claim would have been obvious from method claim rejected above, Claim 1, and is therefore rejected using the same art and rationale.

Response to Arguments

Applicant's arguments, filed 10/21/05, with respect to §112 rejections have been fully considered and are persuasive. The §112 rejections of 5/25/05 have been withdrawn.

Applicant's arguments with respect to the §102 rejections of 5/25/05 have been considered but are moot in view of the new ground(s) of rejection.

The affidavit filed on 10/21/05 under 37 CFR 1.131, which is a duplicate of affidavit filed on 10/28/04, has been considered but is ineffective to overcome the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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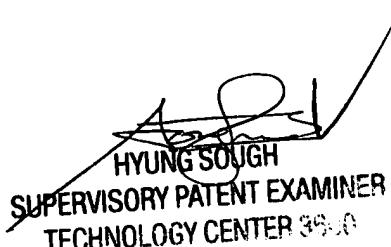
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